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Air Resources Board | Department of Pesticide Regulation | Department of Toxic Substances Control  
Integrated Waste Management Board | Office of Environmental Health Hazard Assessment | State Water Resources Control Board | Regional Water Quality Control Board

## MEMORANDUM

TO: Ms. Elaine M. Howle  
State Auditor  
Bureau of State Audits

FROM: *Winston H. Hickox*  
Winston H. Hickox  
Agency Secretary

DATE: February 28, 2001

SUBJECT: 60-DAY RESPONSE FROM THE CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD

Enclosed is the requested 60-day response from the California Integrated Waste Management Board (CIWMB) relative to the audit report entitled *California Integrated Waste Management Board: Limited Authority and Weak Oversight Diminish Its Ability to Protect Public Health and the Environment*. The response outlines the tasks undertaken by the CIWMB as well as the tasks planned to be completed to address the recommendations in the report. Please note that the Executive Office of the CIWMB will be responsible for implementing all of the tasks.

Enclosure

## **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

60-day Response to:

*California Integrated Waste Management Board: Limited Authority and Weak Oversight Diminish Its Ability to Protect Public Health and the Environment.*

February 28, 2001

This is the 60-day response requested by the Auditor to report actions taken or planned to be taken by the California Integrated Waste Management Board (Board) to implement the recommendations of the State Audit report entitled *California Integrated Waste Management Board: Limited Authority and Weak Oversight Diminish Its Ability to Protect Public Health and the Environment*.

The Bureau of State Audits report contained 16 recommendations. The responsibility for the implementation of tasks to address the recommendations is with the Executive Office of the California Integrated Waste Management Board. This response includes the initial timeline for implementation of tasks, as follows:

**Recommendation #1 - Explore its options for taking into account the necessity for increased landfill capacity as a factor in granting permits.**

**Current Progress:** The Board conducted a general discussion of this recommendation on January 23-24, 2001.

**Next Steps:** A discussion agenda item will be brought to the Board in May 2001, which will examine various options and criteria for addressing landfill capacity. An action item will be brought to the Board in June 2001 with a follow up report to the Board in September 2001.

**Recommendation #2 - Update its database and require local governments to report accurate landfill capacity information on an annual basis in a consistent manner.**

**Current Progress:** The Board conducted a general discussion of this recommendation on January 23-24, 2001.

**Next Steps:** A discussion agenda item will be brought to the Board in April 2001, which will examine existing data collection processes and examine options for improved collection of consistent and accurate data. An action item will be brought to the Board in June 2001 with a follow up report to the Board in September 2001.

**Recommendation #3 - Develop a proposal for incorporating environmental justice into its permitting process and submit the proposal to the California Environmental Protection Agency for its approval. If the proposal is approved, the Board should seek legislative authority to deny permit proposals if environmental justice concerns exist.**

**Current Progress:** An Internal group of representatives from each division met on January 31, 2001 to continue the coordination efforts to comply with the requirements of SB 115 and SB 89. In February 2001 the Board participated in Office of Policy and Research's survey discussions.

**Next Steps:** Participate in Cal EPA Environmental Justice Training sessions in March 2001. An agenda item will be brought to the Board in March for discussion of the Environmental Justice Model Mission statement and the development of specific program elements. This item will also include discussion of next steps in the development of the Board's role in integrating environmental justice into its programs. Periodic reports will be presented to the Board seeking guidance relative to the recommendation.

**Recommendation #4 - Track demographic information on the communities in which solid waste facilities are located, and make this information available to the public.**

**Current Progress:** Permitting and Enforcement Division staff in cooperation with Office Management and Reporting Systems staff have updated location information for solid waste facilities in the Solid Waste Information System and identified sources of key demographic data elements that can be incorporated into facility and community specific maps.

**Next Steps:** An agenda item will be brought to the Board in March which will present options for the development and dissemination of demographic information on communities in which solid waste facilities are located. In December 2001 a follow up report will be presented to the Board.

**Recommendation #5 - Discontinue the use of its 1994 policy that allows it to concur with permits for landfills that have long-term violations of state minimum standards. If the Board believes the policy is necessary, it should request the Legislature to grant it the authority to issue permits to long-term violators under defined circumstances.**

**Current Progress:** During the January 23-24, 2001 Board meeting staff were directed to work with member offices to develop regulatory concepts that address the issues within the policy.

**Next Steps:** In March 2001, regulatory concepts to address the policy issues will be brought to the Board for discussion and further direction. The Rule making process is scheduled to begin in May 2001.

**Recommendation #6 - Discontinue the use of its 1990 enforcement policy that allows operators to violate the terms and conditions of their permits without first obtaining a permit revision.**

**Current Progress:** Between November 2000 and January 2001 a series of focus groups were convened to discuss and develop options relative to the issues in the policy.

**Next Steps:** On March 1, 2001 the full working group will be convened to conclude discussion and option development. An Agenda item is scheduled to be brought forward in March 2001 to allow the Board to discuss the proposed options and give staff further direction. In October 2001 staff will report the status of the efforts to address the issues in the policy.

**Recommendation #7 - Continue to improve its performance in conducting landfill inspections every 18 months, as state law requires.**

**Current Progress:** In January 2001 the business practice relative to the 18 month inspection scheduling was reviewed and it was determined that all inspections were scheduled to be completed within 18 months of the last inspection.

**Next Steps:** A report will be made to the Board in April 2001 relative to any proposed changes to business practices and progress in completing inspections.

**Recommendation #8 - Continue its efforts to modify enforcement regulations relating to tracking compliance with Notice and Orders.**

**Current Progress:** Final internal review of the regulations was completed in February 2001.

**Next Steps:** The final regulations will be sent to the Office of Administrative Law in March 2001.

**Recommendation #9 - Ensure that LEAs require operators to comply with Notice and Orders by the date specified in the order, and issue penalties to those that do not comply.**

**Current Progress:** A general discussion of this recommendation was conducted on January 23-24, 2001. A report was made to the Board regarding the LEA Evaluation Process and Program in February 2001.

**Next Steps:** Between March and June 2001 guidance and training will be developed and provided to LEAs relative to the new requirements contained in the enforcement regulations. During this timeframe an internal tracking system for enforcement orders will be developed and implemented.

**Recommendation #10 - Seek legislation to streamline the current process for imposing civil penalties.**

**Current Progress:** A general discussion of this recommendation was conducted on January 23-24, 2001.

**Next Steps:** A discussion agenda item will be brought to the Board in May 2001 which will examine options to make the imposition of civil penalties a more effective enforcement mechanism. An action item will be presented to the Board in June 2001 with a follow up report to the Board in October 2001.

**Recommendation #11 - Modify its regulations to prevent LEAs from indefinitely extending deadlines for submitting closure plans.**

**Current Progress:** A general discussion of this recommendation was conducted on January 23-24, 2001.

**Next Steps:** A discussion agenda item will be brought to the Board in May 2001, which will examine regulatory charges to ensure the timely submittal of closure plans. An action item will be presented to the Board in June 2001 with a follow up report to the Board in September 2001.

**Recommendation #12 - Modify its regulations to reestablish its role as the coordinating agency for the review and approval of closure plans.**

**Current Progress:** A general discussion of this recommendation was conducted on January 23-24, 2001.

**Next Steps:** A discussion agenda item will be brought to the Board in May 2001 which will examine the current process and various options for improving the review and approval of closure plans. An action item will be brought to the Board in June 2001 with a follow up report to the Board in September 2001.

**Recommendation #13 - Seek legislation that will allow it to offer loans or grants to landfill operators in need of financial assistance to close landfills.**

**Current Progress:** A general discussion of this recommendation was conducted on January 23-24, 2001.

**Next Steps:** A discussion agenda item will be brought to the Board in May 2001 which will examine various approaches to the design of such a program, including eligibility requirements, eligible costs and loan terms. An action item will be brought to the Board in June 2001 with a follow up report to the Board in October 2001.

**Recommendation #14 - Complete its study of environmental impacts of landfills in the State.**

**Current Progress:** The contract began in June 2000 and will be completed by May 2002.

**Next Steps:** A progress report will be made to the Board in April 2001, followed by periodic updates as milestones in the scope of the project are met and deliverables are received.

**Recommendation #15 - To ensure that reported diversion rates are accurate; the board should modify its regulations to require local governments to revise their base-year figures at LEAs every 5 years. Then, it should identify local governments that need to perform new base-year solid waste generation studies, and require them to do so.**

**Current Progress:** Workshops were conducted on January 25 and 31, 2001 to gather public input on diversion rate measurement and disposal reporting system issues and potential solutions.

**Next Steps:** March through July 2001 the Board will convene working groups to evaluate potential improvements to diversion rate measurement. In October 2001 the Board will consider a report to the Legislature with improvements to diversion rate measurement system.

**Recommendation #16 - To ensure that the board provides consistent guidance to local governments on how to meet the State's diversion goals, it should take these steps:**

**Decide on the appropriate types of materials local governments can count as diversion and the methods to quantify those amounts.**

**Seek concurrence from the Legislature as to whether its approach meets the original intent of the mandate.**

**Current Progress:** Workshops were conducted on January 25 and 31, 2001 to gather public input on diversion rate measurement and disposal reporting system issues and potential solutions.

**Next Steps:** March through July 2001 the Board will convene working groups to evaluate potential improvements to diversion rate measurement. In October 2001 the Board will consider a report to Legislature with improvements to diversion rate measurement system to ensure the intent of the mandate is met.